

Applicants Response to Examiner's Comments

Claim Rejections – 35 USC § 102(b)

Examiner rejects Claims 1-3, 7-9 and 15-17 under 35 U.S.C. 102(b) as being anticipated by Flesher (5,158,324). Examiner states that Flesher shows a cover 100 composed of assorted materials considered to be fabric, capable of being used as a cushion by a cat or dog, comprising a pad having a top and opposing bottom, the top forming a surface for the cat to lie upon and an attachment means 104 coupled with the pad 100 for easily removing the cover 100 from the metallic hood of a vehicle. The cover having a planar surface and shaped as a quadrilateral of a size capable of covering large sections of the vehicle hood, (see figs. 2A, 2C, 2D, 2E). Examiner holds that any part of the cover can act as a pillow section, since no other structure is noted, a pillow section can be any area where the animal places it's head down, that area being a "pillow" section for the head of the animal. Examiner further holds that once the fabric of Flesher is removed from the cover, the fabric is configured for roll-up and that when placed on a heat emitted structure, unless specifically designed against it, all fabric can transmit heat or have heat be felt through it.

Regarding Claims 1-2, 7-9, Applicant replies that Claim 1 as currently amended recites the fabric as “comprising a material attractive to at least some animals, and the fabric configured for transferring heat from the heat emitting structure to attract at least some animals.” Independent Claim 1 as currently amended therefore specifies that the fabric is selected attract animals, rather than to merely protect the exterior surface of a vehicle. This novel and nonobvious quality of the present invention increases a users benefit of the invented protective cover by encouraging attraction of at least some

animals to the cover, whereby the user may be entertained and sympathetically comforted by observing the use of the protective cover by one or more attracted animals. This use of the Applicant's invented protective cover teaches away from the prior art, in that the prior art attempts to protect surfaces without being intentionally configured to attract
5 animals.

Applicant respectfully submits that independent Claim 1 as currently amended is therefore allowable, and that the Claims 2, 7, 8 and 9 depending from Claim 1 are also therefore allowable.

Applicant notes that Claim 3 is currently amended as depending from currently
10 amended Claim 4 and is therefore allowable.

Regarding Claims 15-17 Applicant replies that Claim 15 as currently amended recites the fabric as “.configured to attract and support an animal”. Independent Claim 15 as currently amended therefore specifies that the fabric is selected attract animals, rather than to merely protect the exterior surface of a vehicle. As noted above in reference to
15 Claim 1, this novel and nonobvious quality of the present invention increases a users benefit of the invented protective cover by encouraging attraction of at least some animals to the cover, whereby the user may be entertained and sympathetically comforted by observing the use of the protective cover by one or more attracted animals. This use of the Applicant's invented protective cover teaches away from the prior art, in that the
20 prior art attempts merely to protect surfaces without being intentionally configured to attract animals.

Applicant respectfully submits that independent Claim 15 as currently amended is therefore allowable, and that the Claims 16 and 17 depending from Claim 15 are also therefore allowable.

Claim Rejections – 35 USC § 103

5 Examiner rejects Claim 11 under 35 U.S.C. 103(a) as being unpatentable over Flesher in view of Sandbeck (D465,687). Examiner notes that Flesher does not teach the use of a logo; and that Sandbeck shows in Fig. 7 a protective cover having a shape on the surface such as a logo. Examiner holds that, with respect to claim 11, to use the logo of Sandbeck with the cover of Flesher would have been obvious to one skilled in the art in
10 order to alter the aesthetic appeal of the device or to advertise the manufacturer.

 Applicant responds that Claim 11 as currently amended recites of the fabric being shaped as a signage, rather than having a surface configured to visually display a signage. In support of this amendment to Claim 11, Applicant recites from paragraph 44 of the Patent Application, wherein Applicant disclosed that “[t]he fabric 4 may be shaped . . .
15 and present one of various shapes, to include . . . a corporate logo or signage, or shaped like a cartoon character...”. The optional surface 24 of the Present Invention is further disclosed in paragraph 44 to display signage or a logo. In contrast, Sandbeck teaches solely of a logo imprinted onto a blanket, rather than shaping a blanket in an outline of a logo. The alternate embodiment of fabric 4 of the Present Invention as recited in Claim
20 11 as currently amended is shaped as a fabric having an exterior edge in the outline of a signage, and is patentably distinct from a “shape on the surface” of a blanket as taught by Sanbeck.

Applicant respectfully submits that independent Claim 11 as currently amended is therefore allowable. Applicant respectfully further notes that independent Claim 11 as dependent from currently amended Claim 1 and is therefore allowable.

Allowable Subject Matter

5 Examiner allows Claims 13,14 and 18-20.

Examiner objects to Claims 4-6 and 10 as being dependent upon a rejected base claim, and states that Claims 4-6 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully responds that Claims 4, 6 and 10 as newly amended are rewritten
10 as an independent claim and incorporates all limitations of the former base Claim 1.

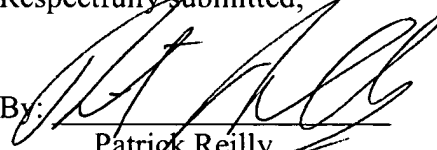
Applicant further responds that Claim 5 as newly amended is dependent on Claim 13 is therefore allowable.

Applicant respectfully submits that that the Claims as currently submitted are allowable.

15 If any matters can be resolved by telephone, Applicant requests that the Patent and Trademark Office call the Applicant at the telephone number listed below.

Respectfully submitted,

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By: 
Patrick Reilly
Reg. No. 37,427

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Patrick Reilly
Patent Attorney
Box 7218
Santa Cruz, CA 95061-7218
(831) 332 7127